IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36166 of 2007(E)

PETITIONER:

MR.K.C.JOHN, S/O.CHAKKO, KOOVAPPARA HOUSE, THRUVAMBADI.

BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENTS:
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1. TAHASILDAR, KOZHIKODE TALUK, CIVIL STATION, KOZHIKODE.

2. REVENUE DIVISIONAL OFFICER, KOZHIKODE.

3. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO THE DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 36166 OF 2007 E
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Dated this the 11th day of December, 2007

J U D G M E N T

The petitioner submits that he had partitioned the property among his children as per Exts. P1 to P3 and that subsequent to the partition, the children made certain additional constructions. Despite the partition and the construction that the children have made, petitioner was assessed building tax. When an application filed by the petitioner for rectification was also rejected, he filed appeal remitting one instalment of the tax and that is also rejected by Ext.P12.

2. If it is a fact that the petitioner has partitioned the property as stated and it is the children who have constructed the building, petitioner has a grievance to be redressed. Taking into account the submission made by the petitioner that he has filed appeal with one of the instalments of tax due, the Appellate Authority shall hear the appeal with notice to the petitioner.

Accordingly, the writ petition is disposed of quashing

Ext.P12 and directing the Appellate Authority to dispose of the appeal on merits, within eight weeks of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE.

Rp